

## **6.0 LAND USE CONSIDERATIONS IN THE PRESERVE**

Land uses within the Preserve are limited to those uses which are considered compatible with the need to permanently protect Covered Species and their habitats. This Subarea Plan will be incorporated as a chapter of the City's General Plan and 100% Conservation Areas, 75-100% Conservation Areas and Development Areas outside of Covered Projects will be assigned appropriate MSCP overlay designations. The City will implement the General Plan land use overlay designations for MSCP by creating overlay zones (see Section 5.2 of this Subarea Plan, which discusses the relationship between the Chula Vista MSCP Subarea Plan land use categories, General Plan land use overlay designations and overlay zones).

### **6.1 Existing Legal Uses**

All existing uses allowed by the current underlying zone on a property, as well as any uses designated as compatible with the applicable MSCP overlay zone, will continue to be allowed until such time as the property has been conveyed into the Preserve or is subject to an agreement with the City through an offer of dedication.

A landowner seeking development entitlements may enter into an agreement with the City through an Irrevocable Offer of Dedication (IOD) which will include, but not be limited to, the following:

- Discontinuance of legal existing uses unless deemed compatible with the MSCP overlay zone;
- Cessation of all grazing uses, unless it has been determined by the City, in consultation with the Wildlife Agencies, that continued grazing will be either neutral or desirable with respect to habitat values; and
- Maintenance of the habitat values of the land by the applicant until conveyance of the property into the Preserve.

Until land has been conveyed to the City, or an agreement has been reached through an IOD, the following uses will be allowed if in compliance with the applicable regulations set forth in the HLIT Ordinance:

- Permitted uses allowed by right in the underlying zone, including accessory and conditionally permitted uses;
- Legal, non-conforming uses operating at the time the underlying zone was established;
- Existing grazing uses outside of Otay Ranch; and
- Existing grazing uses in Otay Ranch, in accordance with the Otay Ranch RMP and Otay Ranch Grazing Ordinance.

No expansion of such uses, or the clearing of additional areas, shall occur unless appropriate Federal, State and local permits have first been obtained. If the City has determined that a legal, non-conforming use, or legal use of a non-conforming structure has been abandoned for a continuous period of six months, any new land use or uses of any structure shall be in accordance with the provisions of this Subarea Plan, except for cessation of uses due to acts of God. All uses shall comply with the standards of the Chula Vista Zoning Ordinance and applicable Planned Community (PC) District Regulations unless otherwise specified in this document.

After conveyance or agreement, land uses within 100% Conservation Areas will be limited to those uses which are considered compatible with the Preserve, or that are considered conditionally compatible and meet applicable regulations in the HLIT Ordinance. The following sections identify land uses that are considered to be compatible, conditionally compatible, or incompatible within the Preserve.

## **6.2 Compatible Uses**

The following land uses and activities are considered compatible with the biological objectives of the MSCP Subregional Plan and thus will be allowed within the Preserve.

### **6.2.1 Public Access and Recreation**

Recreational activities are permitted consistent with the goals of the MSCP Subregional Plan and Chula Vista Subarea Plan. Public access and recreation land uses allowed in the Preserve are as follows:

1. Limited public access and passive recreation are permitted uses within the Preserve. Trails are permitted pursuant to and consistent with the provisions of Section 6.3.2 of this Subarea Plan. Access points, new trails and facilities, and control of public access will be consistent with the City Planning Component Framework Management Plan (Section 7.5 of this Subarea Plan) or the Otay Ranch RMP (Appendices D, E and/or F), and future area-specific management directives. The Appropriate Managing Entity is authorized to close selected areas of the Preserve to public use, temporarily or permanently, if public access has resulted in or is expected to result in significant negative impact to sensitive species. Closures to public access may also occur during breeding seasons and QCB active flight season if deemed necessary by the Appropriate Managing Entity.
2. Litter and trash removal, maintenance, repair, refurbishment and replacement of structures in existing locations, trails and roads are allowed as needed. These activities will be provided through Preserve management programs identified in this Subarea Plan.
3. In order to allow passive recreational opportunities for the public, and ensure continued habitat values, riding and hiking trails will be allowed within the Preserve only when consistent with Section 7.5.3 of this Subarea Plan. Passive recreation includes hiking, bird watching and, under specified locations identified in approved

projects and/or area-specific management plans, mountain biking, horseback riding, boating, sun bathing, fishing and swimming. Equestrian use, hiking and bicycles may be allowed when in accordance with this Subarea Plan, as determined by the Appropriate Managing Entity.

4. Some areas of the Preserve may remain in private ownership. The owners of these areas may fence these areas of the Preserve to deter trespassing with appropriate City permits, if applicable. Any new fencing on private or public Preserve lands must not significantly, adversely effect the full functioning of the Preserve and must not significantly impede wildlife movement. Allowed uses and specific responsibilities of property owners regarding land designated as open space have been incorporated into Covered Project approvals and will be incorporated into HLIT Permits, tentative map conditions and/or SPA or Precise Plans on a project by project basis.
5. The public access to finger canyons will be limited through subdivision design, fencing or other appropriate barriers, and signage.

### **6.2.2 Preserve Management, Scientific and Biologic Activities**

All scientific research related to habitat conservation, monitoring and habitat restoration and enhancement activities are permitted within the Preserve, subject to approval by the City and/or Appropriate Managing Entity, as applicable, and the underlying landowner, including obtaining any necessary permits. All such activities must be consistent with this Subarea Plan. This includes any conditions associated with 401 certifications, Army Corps 404 permits, 1600 permits or other resource conservation permits. In addition, reasonable access will be provided to the Wildlife Agencies for the purposes of monitoring species and habitat and evaluating compliance with the permit.

Any Take resulting from management and/or scientific activities undertaken pursuant to Section 7.0 of this Subarea Plan, including Section 7.5 – City Planning Component Framework Management Plan – and the Otay Ranch RMP (Appendices D, E and/or F), and/or pursuant to area-specific management directives prepared pursuant to this Subarea Plan, will be authorized by the Take Authorizations. All of the above activities shall be carried out under a regional program implemented by the Wildlife Agencies, City of Chula Vista or Preserve Owner/Manager.

### **6.2.3 Emergency, Safety and Police Services**

The interface between current and future urban development and the Preserve requires increased coordination between the Preserve managers and agencies responsible for public safety and enforcement of immigration laws. The Preserve must accommodate access for emergency response, fire control and management, and enforcement of immigration laws.

All law enforcement agencies will be allowed access to the Preserve as necessary to enforce the law. All medical, rescue and other emergency agencies are allowed access to

the Preserve to carry out operations necessary to the health, safety and welfare of the public. In Preserve areas managed by the City or the City's authorized representative, the City shall allow emergency repairs to infrastructure to be made by the involved agency, consistent with normal practices and with Federal and State Take Authorization in conformance with existing Federal and State laws.

If permanent damage is caused to Preserve habitat, due directly to the action(s) of City emergency crews, the City will revegetate disturbed and/or destroyed habitat or will mitigate pursuant to this Subarea Plan. Law enforcement and fire control agencies, the National Guard, the Immigration and Naturalization Service (INS), the Border Patrol and organizations and agencies operating within the Preserve area are subject to all applicable requirements of Federal and State law. The MSCP Subregional Plan and this Subarea Plan will create no additional permit requirements beyond those of existing Federal and State law for the activities of these agencies.

### **6.3 Conditionally Compatible Uses**

The following land uses and activities are considered conditionally compatible with the biological objectives of the MSCP Subregional Plan and thus will be allowed within the Preserve, subject to the guidelines and/or criteria incorporated into this Section.

#### **6.3.1 Mining, Extraction and Processing Facilities**

In the long-term, it is envisioned that no mining, extraction, or processing facilities and/or activities will occur in the Preserve. Exceptions may be granted by the City for new operations only if permitted on an interim basis and agreed to in writing by the Wildlife Agencies. Currently permitted operations that have approved restoration plans may continue to operate under legally existing permits. If new operations are permitted by the City and Wildlife Agencies, they would be considered to be conditionally compatible within the Preserve if:

- Impacts have been assessed and conditions incorporated to mitigate biological impacts and restore mined areas with native habitat;
- Adverse impacts to the Preserve design have been avoided and Covered Species have been avoided or impacts fully mitigated if impacts are unavoidable; and
- Requirements of City land use policies, regulations, and permits (e.g., Conditional Use Permit) have been satisfied.

Processing and other related mining activities (e.g., asphaltic processing) are incompatible with the Preserve. Newly permitted operations adjacent to or within the Preserve shall meet noise, air quality and water quality regulation requirements, as identified in the condition of any existing or new permit, in order to adequately protect adjacent Preserve areas and Covered Species. Such facilities shall also be appropriately

restored to native vegetation appropriate to the location upon cessation of mining activities.

All temporary sand mining and related activities must be consistent with the objectives, guidelines, and requirements of the MSCP Subregional Plan, the City of Chula Vista's ordinances and the State Surface Mining and Reclamation Act (SMARA) of 1975.

Any sand removal activities shall be monitored for noise impacts to surrounding sensitive habitats, and all new sediment removal or mining operations proposed in proximity to the Preserve or major changes to newly permitted operations must include noise reduction methods that take into consideration the breeding and nesting seasons of sensitive bird species. Monitoring for noise impacts shall occur at a frequency acceptable to the appropriate managing entity.

All future mined lands adjacent to or within the Preserve shall be reclaimed pursuant to SMARA and applicable Federal and State laws, including Federal Section 404 and State Section 1600 requirements. All future SMARA plans and/or amendments shall be designed to be consistent with this Subarea Plan and to contribute biologically to the Preserve. Native habitats shall be restored. When man-made ponds provide native wildlife and wetland habitats, they may be considered compatible with the Preserve.

In addition to considering impacts to Covered Species and any Non-Covered Listed species, any permitted activity including reclamation of sand mining shall consider changes and impacts to water quality, water table level, fluvial hydrology, flooding and Wetlands and habitats upstream and downstream and provide adequate mitigation.

### **6.3.2 Flood Control**

Except as provided for in Section 6.3.3 of this Subarea Plan, flood control within the Preserve shall be limited to existing agreements with the Wildlife Agencies unless demonstrated to be needed pursuant to a habitat restoration plan or any other City plan for controlling U.S. waters. Floodplains within the Preserve should remain in a natural condition and configuration in order to allow for the ecological, geological, hydrological, and other natural processes to proliferate or be restored.

Except as provided for in Section 6.3.3 of this Subarea Plan, no berming, channelization, or man-made constraints or barriers to creek, tributary, or river flows shall be allowed in any floodplain within the Preserve unless approved by all appropriate agencies and adequately mitigated. Review must include impacts to upstream and downstream habitats, flood flow volumes, velocities and configurations, water availability and changes to the water table level.

Except as provided for in Section 6.3.3 of this Subarea Plan, no riprap, concrete, or other man-made material shall be used to stabilize river, creek, tributary, and channel banks within the Preserve unless approved through a Federal Section 404 or a State Section 1600 permit. All river, stream, and channel banks shall be constructed with natural

materials and bank stabilization shall be constructed utilizing natural, native plantings. Rock gabbions may be used where necessary.

### **6.3.3 Roads and Infrastructure**

Two categories of facilities are contemplated by the Chula Vista Subarea Plan: Planned Facilities and Future Facilities. Planned Facilities are those that have been specifically identified by the City to serve development approved by the City and are specified in Table 6-1. Future Facilities are those that may be necessary to support City services or planned development in the future, or are ancillary to Planned Facilities. Because Future Facility needs cannot be specified at this time, Future Facilities are defined by facility categories, listed in Table 6-2.

Take Authorization for Planned Facilities is expressly provided for through this Subarea Plan. Impacts to Covered Species and habitats from Planned Facilities within or required as part of Covered Projects both outside and within the Preserve are mitigated by specific Covered Project conditions and mitigation requirements contained in this Subarea Plan and are not subject to the HLIT Ordinance. Impacts to Covered Species and habitats resulting from Planned Facilities located outside of Covered Projects both outside and within the Preserve, will be subject to and mitigated pursuant to the HLIT Ordinance. All Planned Facilities both outside and within the Preserve, are considered conditionally compatible with the Preserve, subject to the Facilities Siting Criteria contained in Section 6.3.3.4 and protection of Narrow Endemic Species contained in Section 5.2.3 of this Subarea Plan.

Take Authorization for Future Facilities is expressly provided for through this Subarea Plan. All Future Facilities located within the Preserve will be subject to a limit of impact to Covered Species and habitat on an individual facility basis and a cumulative basis as described in the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan. Impacts to Covered Species and habitats from Future Facilities which have been generally identified as necessary to support approved development in Covered Projects are mitigated by specific Covered Project conditions and mitigation requirements contained in this Subarea Plan, and are not subject to the HLIT Ordinance. All Future Facilities, both outside and within the Preserve, are considered conditionally compatible with the Preserve, subject to the Facilities Siting Criteria contained in Section 6.3.3.4 of this Subarea Plan.

Planned and Future Facilities located within the Preserve will avoid impacts to Narrow Endemic Species to the maximum extent practicable, and will be subject to the Facilities Siting Criteria in Section 6.3.3.4, protection of Narrow Endemic Species contained in Section 5.2.3 of this Subarea Plan and the HLIT Ordinance. Where impacts to Narrow Endemic Species cannot be avoided, compensation for species loss will be provided on an equivalent basis.

Take Authorization for Planned and Future Facilities pursuant to this Subarea Plan applies only within the *Chula Vista Subarea*; extensions of improvements outside the

*Chula Vista Subarea* will be subject to applicable requirements of the relevant, affected jurisdiction.

#### **6.3.3.1 Planned Facilities**

Figures 6-1, 6-2 and 6-3 depict major roads and infrastructure that have been planned for development through existing plans and/or project approvals (i.e., General Plan, GDPs, SPA Plans or Precise Plans) and will be allowed to be constructed, operated and maintained within the Preserve. These Planned Facilities are anticipated to be required and are needed to serve development in areas authorized for Take. Construction of these facilities within the Preserve will be necessary to achieve development goals that will cluster and intensify development in the Development Areas, which therefore allows large, interconnected blocks of open space to be preserved, thus achieving biological conservation objectives.

The locations for the facilities shown on Figures 6-1, 6-2 and 6-3 may not be exact. Specific alignments will be determined at the time of facility alignment approval and will include appropriate environmental review pursuant to CEQA. Siting of such facilities will be subject to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan. The alignments shown on Figures 6-1, 6-2 and 6-3 are those contemplated on already approved City documents such as the General Plan, Otay Ranch GDP/SRP and Otay Ranch RMP, and various project SPA or Precise Plans, and Tentative Maps. Environmental analysis in compliance with CEQA has already been prepared for these plans, which included the siting of these Planned Facilities. In addition, environmental analysis under CEQA and NEPA has been performed for the implementation of the MSCP Subregional Plan. In that Final EIR/EIS, the lead agencies concluded that the implementation of the MSCP Subregional Plan including the Chula Vista Subarea Plan, would not result in any significant land use impacts since the MSCP Subregional Plan allows for the siting of Planned Facilities within the Preserve subject to certain conditions. Additionally, the conservation analysis in the MSCP Subregional Plan concluded that the establishment of the Preserve, including these Planned Facilities, minimizes and mitigates impacts to Covered Species from Covered Projects to the maximum extent practicable. Therefore, no additional mitigation for Take of Covered Species for the implementation of these Planned Facilities, except pursuant to this Subarea Plan, is necessary.

The Planned Facilities shall be located in the Preserve, subject to compliance with the siting criteria identified in Section 6.3.3.4 of the Subarea Plan, and with no further mitigation required. The siting criteria and Table 6-1 sets forth the design standards for the proper alignment and construction of Planned Facilities within the Preserve. One of the criteria is that the facilities should be located in the least environmentally sensitive location feasible.

In the context of Planned Facilities, “feasible” refers to minor changes in the alignments shown on Figures 6-1, 6-2 and 6-3 within the Preserve, in order to site facilities in the least environmentally sensitive location practicable, and where the fewest impacts to Covered Species would occur to minimize habitat disruption and fragmentation and to minimize impacts to covered Narrow Endemic Species. Those minor changes shall not involve extraordinary engineering design, including but not limited to tunnels, bridges and other significantly costly features, except where indicated on Table 6-1.

Table 6-1 lists all Planned Facilities authorized for Take pursuant to this Subarea Plan, and briefly identifies the implementation criteria for each specific facility. (Refer to Section 6.3.3.4 for specific Facilities Siting Criteria.) Nothing in this section relieves the project from compliance with any applicable CEQA and/or NEPA documents.



**Table 6-1:           Planned Facilities**

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Lakes Road	<ul style="list-style-type: none"><li>• Siting of this facility is subject to the:<ul style="list-style-type: none"><li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li><li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li></ul></li><li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment.</li><li>• If Otay Lakes Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.</li></ul>
Proctor Valley Road	<ul style="list-style-type: none"><li>• Siting of this facility is subject to the:<ul style="list-style-type: none"><li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li><li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li></ul></li><li>• Siting of this facility is subject to the Rolling Hills Ranch SPA Plan and Tentative Map, which allow realignment of the City/County segment.</li><li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the County of San Diego Subarea Plan, South County Segment.</li><li>• If Proctor Valley Road is not excluded from the Cornerstone Conservation Bank Agreement, the Wildlife Agencies will require that any Take within the Cornerstone Lands resulting from construction of the road must be deducted from the available conservation bank credits.</li></ul>
Otay Valley Road (will become Main Street)	<ul style="list-style-type: none"><li>• Siting of this facility is subject to the:<ul style="list-style-type: none"><li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li><li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li></ul></li></ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Otay Valley Road (continued)	<ul style="list-style-type: none"> <li>• Take Authorization Otay Valley Road (which will be renamed “Main Street”) will be extended easterly to connect to Rock Mountain Road.</li> <li>• That portion of the Otay Valley Road originally designed to continue easterly from Rock Mountain Road to SR 125 will be subject to further evaluation, and separate Take Authorization. Take Authorization for that portion is not provided through this Subarea Plan. The City will evaluate the potential to relocate that portion of the facility outside the Preserve and/or remove that portion of the facility. If the City determines, after full evaluation, that all or (a) portion(s) of the road may be eliminated from the Preserve, the City will amend the Otay Ranch GDP accordingly and/or incorporate such design changes into the final design of the facility, as appropriate.</li> </ul>
La Media Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the: <ul style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ul> </li> <li>• Take Authorization for the portions of this facility located outside the City will be pursuant to the City of San Diego or County of San Diego Subarea Plans.</li> <li>• The data developed and analysis completed related to La Media Road as part of the SR 125 corridor study will be considered during siting analysis and CEQA review, as appropriate.</li> <li>• La Media Road will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. In addition, the City commits to work jointly with the Wildlife Agencies during CEQA review for the project to identify an alignment of the road which results in the least adverse impact to sensitive resources feasible. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.</li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
La Media Road (continued)	<ul style="list-style-type: none"> <li>• Although the siting of La Media Road has not yet been finalized:               <ul style="list-style-type: none"> <li>a. The Wildlife Agencies have reviewed the tentative alignment and have concluded that if impacts to covered Narrow endemic Species cannot be avoided as a result of the final alignment La Media Road, the City may purchase one acre of expanded Otay Ranch Tarplant Preserve land on the San Miguel Ranch; and</li> <li>b. The Wildlife Agencies concur that purchase of said property for inclusion into the San Miguel Ranch Otay Tarplant Preserve or other equivalent Otay tarplant Preserve land acceptable to the Wildlife Agencies will constitute equivalency for impacts to Narrow Endemic Species resulting from the final alignment of La Media Road.</li> </ul> </li> </ul> <p>Alternatively, the City may mitigate potential impacts pursuant to Section 5.2.3 of this Subarea Plan.</p>
Paseo Ranchero	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ul style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ul> </li> <li>• Paseo Ranchero will be a permitted use under the Take Permit authorized by this Subarea Plan. It is recognized that the City will seek a Section 404 permit, triggering consultation with the Federal agencies. The City will apply a standard of no-net-loss for mitigation of impacted Wetlands under CEQA review.</li> </ul>
Alta Road	<ul style="list-style-type: none"> <li>• Take Authorization for Alta Road is not provided through this Subarea Plan. Alta Road will be subject to a separate permitting process for receiving Take Authorization.</li> </ul>
Rock Mountain Road	<ul style="list-style-type: none"> <li>• Siting of this facility is subject to the:               <ul style="list-style-type: none"> <li>a. Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>b. Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ul> </li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Mount Miguel Road	<ul style="list-style-type: none"> <li>Mount Miguel Road will be subject to the conditions of the San Miguel Ranch MSCP Annexation Agreement described in Section 7.5.6.4 of this Subarea Plan.</li> </ul>
Rolling Hills Ranch; (Two-lane road)	<ul style="list-style-type: none"> <li>The two-lane road in Rolling Hills Ranch connecting Neighborhoods 9 through 12 are provided Take Authority pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch as discussed in this Plan and specifically cited in Section 7.5.6.3.</li> </ul>
Rolling Hills Ranch Road to Future 1296 Reservoir	<ul style="list-style-type: none"> <li>This facility will be subject to mitigation pursuant to agreement between the OWD and the Wildlife Agencies.</li> </ul>
Rolling Hills Ranch / Bella Lago roadway connections	<ul style="list-style-type: none"> <li>Two road connections from Rolling Hills Ranch to Bella Lago are provided Take Authorization pursuant to this Subarea Plan and in consideration for the Conditions of Coverage for Rolling Hills Ranch and Bella Lago as discussed in this Plan and specifically cited in Sections 7.5.6.3 and 7.5.6.5.</li> </ul>
Southern Trolley Line	<ul style="list-style-type: none"> <li>Take Authorization for the southern trolley line is not provided through this Subarea Plan. The southern trolley line will be subject to a separate permitting process for receiving Take Authorization.</li> </ul>
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> <li>Siting of these sewer facilities is subject to the:               <ol style="list-style-type: none"> <li>Otay Ranch RMP Phase 1 Policy 6.6 and the RMP Infrastructure Plan, Section 6.0 (Appendix D); and</li> <li>Otay Ranch RMP Phase 2 Conceptual Infrastructure Plan (Appendix E).</li> </ol> </li> <li>BMPs will be used to design and maintain these facilities.</li> <li>Sewer lines will be sited to avoid mitigation sites created as mitigation for other projects.</li> <li>Maintenance access roads related to these sewer facilities will be sited to avoid to the maximum extent practicable impacts to Covered Species and habitats, including covered Narrow Endemic Species, pursuant to the Facilities Siting Criteria in Section 6.3.3.4 of this Subarea Plan.</li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Salt Creek Interceptor, Wolf Canyon Sewer and Otay Valley Trunk Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads) (continued)	<ul style="list-style-type: none"> <li>• Through Salt Creek where new maintenance access roads must be developed, road widths will be limited to 12 feet, within a 20-foot disturbance corridor. Through the Otay River Valley where existing unpaved roads will be utilized, road widths will be limited to 20 feet. Maintenance access roads will be constructed as follows:               <ul style="list-style-type: none"> <li>a. Access roads will be constructed of concrete-treated base (CTB) material with aggregate rock to minimize frequency of maintenance.</li> <li>b. Where access roads exceed a 5% grade, concrete or asphalt may be permitted to ensure maintenance vehicle traction.</li> <li>c. Where cross-drainage occurs, concrete aprons may be permitted to minimize erosion.</li> <li>d. Appropriately sized concrete brow ditches on the uphill edge of access roads may be permitted to minimize erosion.</li> </ul> </li> <li>• Temporary impacts related to these sewer facilities will be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.</li> <li>• Public access to finger canyons associated with the primary canyons involving these facilities will be limited, pursuant to the Otay River Valley Framework Management Plan, Section 7.6.3 of this Subarea Plan.</li> </ul>
Poggi Canyon Sewer (and associated ancillary sewer facilities including, but not limited to, pump stations, connections and maintenance access roads)	<ul style="list-style-type: none"> <li>• The Poggi Canyon sewer is under construction. The facilities located within the Sunbow II project that traverse the Preserve are subject to the Project Specific Management Requirements for Sunbow identified in Section 7.5.6.1 of this Subarea Plan.</li> </ul>
Otay River Valley Equestrian Staging Areas (located in the active recreation area(s))	<ul style="list-style-type: none"> <li>• The equestrian staging areas will be subject to the Otay Ranch RMP Phase 1, Policies 6.2 and 6.3 (Appendix D).</li> <li>• Equestrian staging areas in the Otay River Valley must be sited within the active recreation areas.</li> <li>• A brown-headed cowbird trapping program for these equestrian staging areas will be established and implemented as part of the area-specific management directives for the Otay River Valley.</li> </ul>

FACILITY	IMPLEMENTATION CRITERIA/ASSURANCE
Trails designated in the OVRP Concept Plan	<ul style="list-style-type: none"> <li>The trails designated in the OVRP Concept Plan are authorized for Take pursuant to this Subarea Plan, subject to the provisions of the City Planning Component Framework Management Plan, Section 7.5, the Public Access, Trails and Recreation guidelines, Section 7.5.3, and the Otay River Valley Framework Management Plan, Section 7.6.3.</li> </ul>
Otay River Valley Interpretive Centers (located in the active recreation area(s))	<ul style="list-style-type: none"> <li>The Otay River Valley interpretive centers are authorized for Take pursuant to this Subarea Plan, subject to the Otay Ranch and 6.3 (Appendix D).</li> <li>Interpretive centers in the Otay River Valley must be sited within the active recreation areas.</li> </ul>

### ***6.3.3.2 Future Facilities***

Future Facilities are those necessary to support planned development and have not been or cannot be identified and/or located at present. Permanent impacts to covered habitats in the Preserve from Future Facilities may not exceed a cumulative total of 50 acres, which may only be exceeded with concurrence from the Wildlife Agencies. In addition, no single facility may permanently impact more than two acres of covered habitat in the Preserve without concurrence from the Wildlife Agencies. Temporary impacts (i.e., from unforeseen required sewer laterals) will not be subject to these limitations, but all areas of temporary impact must be revegetated pursuant to Section 6.3.3.5 of this Subarea Plan.

Table 6-2 lists all the categories of Future Facilities, and briefly identifies the implementation criteria applicable to all Future Facilities. Refer to Section 6.3.3.4 for specific Facilities Siting Criteria.

**Table 6-2: Future Facilities**

<b>FACILITIES</b>	<b>IMPLEMENTATION CRITERIA/ASSURANCE</b>
Storm drain and flood control/detention facilities	<ul style="list-style-type: none"><li>Each Future Facility is subject to a limit of two acres of permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li><li>All Future Facilities are subject to a cumulative limitation of 50 acres of overall permanent impact to Covered Species and habitats within the Preserve. Impacts that exceed this limit are subject to concurrence by the Wildlife Agencies, pursuant to the Facilities Siting Criteria in Section 6.3.3.4.</li><li>All Future Facilities are subject to the Narrow Endemic Species policy detailed in Section 5.2.3 of this Subarea Plan for impacts to covered Narrow Endemic Species within the Preserve, pursuant to the Facilities Siting Criteria in Section 6.3.3.4. All impacts to Narrow Endemic Species within the Preserve are subject to equivalency findings, pursuant to Sections 5.2.3 and 6.3.3.4 of this Subarea Plan.</li><li>All impacts to Covered Species and habitats, excluding Narrow Endemic Species up to the individual and cumulative caps, are mitigated by the conservation strategies in this Subarea Plan, and are authorized under the Take Authorization pursuant to this Subarea Plan.</li></ul>
Desilting & sedimentation basins	
Extensions of electric and/or gas utility services to individual services	
Fire access roads	
Brush management roads	
Maintenance & operations roads	
New trails	

#### ***6.3.3.3 Facilities Covered by Other Habitat Planning Efforts***

There are other major facilities planned within the *Chula Vista MSCP Planning Area* which are not covered by this Subarea Plan, but are permitted or proposed to be permitted through other habitat conservation programs. These include, but may not be limited to the following:

- State Route 125<sup>1</sup>
- San Diego County Water Authority (CWA) aqueduct easements (anticipated to be covered by separate CWA Subarea Plan)
- Otay Water District (OWD) water lines, pump stations and other related water facilities (anticipated to be covered by separate OWD Subarea Plan)
- City of San Diego Water Program reclamation facility and related water and sewer lines (covered by separate City of San Diego Subarea Plan)
- City of San Diego Otay Water Treatment Plant expansion (covered by separate City of San Diego Subarea Plan)
- SDG&E utility lines, facilities and related access roads are covered by a separate SDG&E NCCP Subregional Plan. Two substations and their associated facilities will be built in the Otay Ranch and are covered by the SDG&E NCCP Subregional Plan. Extensions of electric and/or gas utility services to individual users are covered by this Subarea Plan when not covered by the SDG&E NCCP Subregional Plan.

#### ***6.3.3.4 Facilities Siting Criteria***

It is expressly intended that flexibility be allowed in locating Planned and Future Facilities within the Preserve. It is also recognized that it may be necessary to locate public facilities in the Preserve that are not currently planned, known or anticipated. To the extent practical and as determined by the City, covered habitats and species will be avoided during the planning, design and construction of Planned and/or Future Facilities. The physical and engineering requirements of new roads and infrastructure shall be considered during the siting procedure, and siting and construction of such facilities will be accomplished in accordance with the following criteria, as determined by the City:

---

<sup>1</sup> SR 125 is excluded from the requirements of the Chula Vista MSCP Subarea Plan. Take of listed species for this project has been authorized by the Wildlife Agencies through a separate process. However, Circulation Element Road Connections and interchanges to SR 125 are a permitted use within Development Areas. If impacts to wetlands result from this project, any required Section 7 Consultations on associated 404 permits requests will be consistent with this Subarea Plan.



1. Such facilities will be located in the least environmentally sensitive location feasible, and use existing roads, trails and other disturbed areas, including use of the active recreation areas in the Otay River Valley, as much as possible (except where such areas are occupied by the QCB). Facilities should be routed through developed or developing areas where possible. If no other routing is feasible, alignments should follow previously existing roads, easements, rights of way, and disturbed areas, minimizing habitat fragmentation.
2. Such facilities shall avoid, to the maximum extent practicable, impact to Covered Species and Wetlands, and will be subject to the provisions, limitations and mitigation requirements for Narrow Endemic Species and Wetlands pursuant to Sections 5.2.3 and 5.2.4 of this Subarea Plan.
3. Where roads cross the Preserve, they should provide for wildlife movement in areas that are graphically depicted on and listed in the MSCP Subregional Plan Generalized Core Biological Resource Areas and Linkages map (Figure 1-4) as a core biological area or a regional linkage between core biological areas. All roads crossing the Preserve should be designed to result in the least impact feasible to Covered Species and Wetlands. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. To the extent feasible, crossings will be designed as follows: the substrate will be left in a natural condition or revegetated if soils engineering requirements force subsurface excavation and vegetated with native vegetation if possible; a line-of-sight to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.
4. To minimize habitat disruption, habitat fragmentation, impediments to wildlife movement and impact to breeding areas, road and/or right-of-way width shall be narrowed from existing City design and engineering standards, to the maximum extent practicable. In addition, roads shall be located in lower quality habitat or disturbed areas to the maximum extent practicable.
5. Impacts to Covered Species and habitats within the Preserve resulting from construction of Future Facilities will be evaluated by the City during project review and permitting. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located outside the Preserve, pursuant to this Subarea Plan and consistent with the Facility Siting Criteria in this Section.

6. The City may authorize Take for impacts to Covered Species and habitats resulting from construction of Future Facilities located within the Preserve, subject to a limitation of two acres of impact for individual projects and a cumulative total of 50 acres of impact for all Future Facilities. Wildlife Agency concurrence will be required for authorization of Take for any impacts to Covered Species and habitat within the Preserve that exceed two acres that may result from construction of any individual Future Facility. Wildlife Agency concurrence will be required for authorization of Take for impacts to Covered Species and habitat within the Preserve that exceed fifty acres that may result from all Future Facilities combined.
7. Planned and Future Facilities must avoid impacts to covered Narrow Endemic Species and the QCB to the maximum extent practicable. When such impacts cannot be avoided, impacts to covered Narrow Endemic Species within the Preserve that will result from construction of Planned and Future Facilities located within the Preserve are subject to equivalency findings and the limitations and provisions of Section 5.2.3.6 of this Subarea Plan. Impacts to QCB that will result from construction of Planned and Future Facilities within the Preserve are subject to the provisions of Section 5.2.8 of this Subarea Plan.

#### ***6.3.3.5 Maintenance and Repairs of Existing, Planned and Future Roads and Infrastructure***

Construction, routine maintenance, and emergency repair activities for existing, planned and future roads and other infrastructure are permitted in the Preserve including but not limited to repair, replacement and refurbishment, cleaning (including maintenance of desilting, retention and detention basins and flood control facilities), and maintenance of cleared areas.

The affected agency will be allowed to enter the Preserve and complete necessary work consistent with normal “Best Management” practices. Construction, maintenance, and emergency repair of existing, planned, and future roads and facilities in the Preserve will to the maximum extent practicable avoid impacts to Covered Species and habitats. To the extent practicable, for non-emergency routine maintenance the City will limit access during bird breeding seasons (April 1 through June 31) in areas where breeding and/or nesting activity may occur. Where avoidance is not feasible, impacts must be minimized. Areas temporarily disturbed by construction, maintenance, and/or emergency repair will be revegetated in accordance with an approved revegetation plan. A framework plan for temporary impacts and revegetation plans will be provided as part of the HLIT Ordinance. The City will apply the requirements of the HLIT Ordinance in all cases where its jurisdictional authority governs. The agency responsible for road and/or infrastructure construction, maintenance, and emergency repair and

causing unavoidable disturbance, or the holder of the permit authorizing such work, will be responsible for necessary revegetation.

#### **6.3.4 Otay Valley Regional Park Plan Uses**

Land uses allowed in the OVRP are identified in the OVRP Concept Plan. All uses, identified by the Draft OVRP Concept Plan and located within the *Chula Vista Subarea* City Planning Component are compatible with this Subarea Plan if planned and developed consistent with this Subarea Plan, including the Otay River Valley Framework Management Plan, Section 7.6.3. All uses, identified by the OVRP Concept Plan within the *Chula Vista Subarea*, Otay Ranch Planning Component, are compatible with this Subarea Plan if planned and developed consistent with this Subarea Plan, including Section 7.6.3, and the Otay Ranch GDP, and RMP. Uses in the OVRP outside the *Chula Vista Subarea* are allowed pursuant to the OVRP Concept Plan and other applicable MSCP Subarea Plans.

Active recreation areas are identified in the OVRP Concept Plan and this Subarea Plan. These areas are not a part of the Preserve, and include both existing and proposed active and passive recreation sites. Active recreation uses are identified in the Otay Ranch GDP as allowed uses in the Otay Ranch Preserve and are not subject to the 100-foot Edge Plan requirements. Some of the identified recreation areas within the park boundary are still in private ownership. Any privately held property within the park boundary has existing development potential, which must be consistent with applicable land use and development regulations. The OVRP Concept Plan does not change existing zoning or planned land uses, or add new development regulations, nor does it preclude private development in designated recreation areas consistent with existing zoning or planned land uses.

Within the Otay Ranch portion of the OVRP, the GDP and RMP include policies and criteria for siting and developing up to 400 acres of active recreation uses. RMP1 Policy 6.2 stipulates that siting and design of active recreational uses must be consistent with the Otay Valley Regional Park Concept Plan when adopted. Two hundred forty-six acres are identified by this Subarea Plan for active recreation uses in the Otay Valley Regional Park, within the *Chula Vista Subarea*. Active recreation areas were sited according to the criteria contained in RMP1 Policy 6.2, as listed below:

1. Active recreation areas should be located in previously disturbed, non-sensitive areas.
2. Active recreation uses should be readily accessible from existing and planned public roads and should not intrude into core areas within the Preserve.
3. Active recreation uses should be clustered to minimize the extent of the edge between active recreation uses and sensitive resources within the Preserve.
4. Limited commercial uses/activities related to active recreation may be allowed within the 400 acres designated for active recreation.

5. Public parks and recreation facilities may be operated commercially by private operators within active recreation areas.
6. Emphasis shall be placed on providing the majority of the active recreation in the Otay River Valley to the extent that this is consistent with an Otay Valley Regional Park Concept Plan, as may be adopted.

The siting of the 246 acres of active recreation area in the *Chula Vista Subarea* is consistent with the RMP and adopted Otay Ranch GDP/SRP and EIR, the Otay Valley Regional Park Concept Plan, the MSCP Subregional Plan and Final EIR/EIS, and the County of San Diego Subarea Plan/South County Segment. The active recreation areas shown on Figure 1-2 are representative of the total 246 acres of Take Authority provided for active recreation uses by this Subarea Plan. Siting of the active recreational uses shown on Figure 1-2 considered data available at the time regarding Covered Species and habitats, including the presence and distribution of Narrow Endemic Species (including Otay tarplant). Based on those data, the active recreational areas were sited to minimize impacts to Covered Species and habitats. Final hard-line active recreation areas will be determined based upon updated biological data and application of the siting criteria found in the RMP, OVRP, and this Subarea Plan, at the time that specific recreational uses are planned and developed.

It is recognized, however, that observable presence of Otay tarplant varies from year to year. In consideration of this factor, and recognizing the importance of the Otay River Valley in the overall Preserve design within the City, surveys for Otay tarplant within the areas designated for active recreation will be conducted during the appropriate seasons in conjunction with design and environmental review of active recreation uses in the Otay River Valley. The results of these surveys will be considered in the design and construction process for future active recreation uses.

As part of the design and construction process, the City will review survey results and design information with the Wildlife Agencies. The Wildlife Agencies will work cooperatively with the City to develop configuration(s) for the active recreation areas that will minimize impacts to Narrow Endemic Species and ensure that such areas are configured in a manner that does not preclude intended active recreational use.

The total usable area of active recreation will not be reduced below 246 acres. If reconfiguration required to avoid impact to Narrow Endemic Species would result in the loss of the City's ability to incorporate all planned recreational uses into the designated active recreation sites, such reconfiguration may require that more than 246 acres be developed. It is, therefore, understood that if designated active recreation area is eliminated in order to avoid Narrow Endemic Species, additional Preserve land may be designated for active use in order to retain equivalent functional recreation values.

In addition to the potential recreational areas, other facilities listed below may occur within the OVRP boundary, subject to the relevant restrictions specified in Section 6.3.3

of this Subarea Plan.

1. Local roads for access.
2. Trails and staging areas for neighborhood or regional access.
3. Viewpoints and overlook areas.
4. An interpretive center within the Otay Ranch portion of the park, sited and developed in accordance with the Otay Ranch RMP1.
5. Existing rock quarry operation (approximately 135 acres) on Rock Mountain, just east of Otay Valley Road, is expected to continue for about the next 50 years, after which the site may be used for active recreation or other development.
6. The Gun Club/Bird Ranch and the area immediately north and east (approximately 110 acres) have been a gun club and ranch and would not be used for habitat management purposes under the conceptual park plan. This area is anticipated to be developed for active recreation or other purposes.
7. Habitat restoration and enhancement of disturbed areas in accordance with an adopted revegetation plan (referenced in Section 7.0, Preserve Management).
8. Passive recreational uses as defined in the OVRP Concept Plan, including hiking, biking and equestrian trails.

#### **6.4 Incompatible Uses**

The following uses and activities are considered incompatible with the biological objectives of the MSCP Subregional Plan and thus will not be allowed on lands which have been conveyed, through dedication of fee title or biological and open space easements, into the Preserve, except in association with an existing legal use, compatible use or conditionally compatible use as defined in Sections 6.1, 6.2 or 6.3 of this Subarea Plan:

- Clearing or grubbing of vegetation for purposes unrelated to biological enhancement or revegetation activity
- Grading
- Excavation
- Placement of soil, sand, rock, gravel, sludge or other material
- Construction
- Erection or placement of any building or structure

- Agriculture
- Grazing unless deemed to have a neutral or positive impact on habitat values by the City with concurrence by the Wildlife Agencies.

#### **6.4.1 Off-Highway Vehicles (OHV)**

Legal access across Preserve lands to private or public inholdings will not change as a result of implementation of the Subarea Plan; however, public off-highway recreational vehicle activity within Preserve areas is incompatible with the goals of the MSCP Subregional Plan and is prohibited within the Preserve.

#### **6.4.2 Materials Storage**

Storage of materials (e.g., chemicals and equipment.) will not be allowed within the Preserve. In areas adjacent to the Preserve and under the control of the City, storage of materials which may impact the Preserve (especially due to leakage, drainage or flood flows), will not be allowed, except that temporary storage of inert materials excavated during maintenance, repair, refurbishment and/or replacement activities shall be permitted on a short-term basis during such activities.